

The regular meeting of the City Council of the City of Fitchburg was held in the Council Chamber, City Hall on February 16, 2010. The meeting was called to order by President Hay at 7:35 p.m. The Clerk called the roll and Eleven (11) members were present. The meeting opened with a salute to the Flag led by Councillor Joseph.

The Committee on records reported that the minutes of the Regular meeting of February 2, 2010, were correctly recorded. Report accepted and minutes adopted.

PUBLIC FORUM

The following individuals spoke regarding petitions 40-2010 and 41-2010:

Speaking in support:

Ms. Joyce Aucoin, 15 Duck Mill Rd., stated that medical services on Main St. are redundant. She stated that MOC and LUK have worked for years in Fitchburg on the issue of teen pregnancy. She stated that a Main Street location will not work because it is too visible and teens will not want to walk in where they can be seen. Additionally, she stated that human service funding is limited and that if a large agency comes in to Fitchburg to offer redundant services, the funding will be tapped away from the smaller agencies.

Mr. Ray Gastonguay, 53 Airport Rd., stated that the City Council needs to clarify whether or not Planned Parenthood would provide chemical abortions from a proposed Fitchburg site. He stated that Title X funding expressly prohibits funding to be used for abortions and that if chemical abortions are made available they will be in violation of Title X regulations.

Ms. Jean Conroy, 1 Providence St. stated that Council needs to know more about the medical offices proposing to locate in the city. She stated that Main Street is not an appropriate spot for medical services.

Ms. Julie Manktelow, 26 Rockdale Ave., stated that she would like to yield her time to Ms. Christine Hanley.

Ms. Christine Hanley, Chair of the local chapter of MA Citizens for Life, read aloud the following letter which she distributed to the City Council and urged the city to locate the Planned Parenthood clinic away from downtown:

LIZ COPY IN THE FIRST PAGE ONLY OF HER HANDOUT HERE

Mr. Brian Smith, 61 Kimball Rd., stated that petition 41-2010 does not go far enough. He stated that the educational focus needs to be not on contraception but on abstinence as the method to prevent unplanned pregnancies in teens.

Mr. Peter Ingemie, Fulton St., stated that the proposed changes to the zoning ordinance would create a friendlier business environment and that businesses would be driven away by protestors in front of an unwanted medical agency on Main Street.

Mr. Ted Turner, 322 Northfield Rd., Lunenburg, spoke on behalf of Father Tieng from Immaculate Conception Church. He stated that the City Council has the duty to uphold the common good and keep medical offices off of Main Street.

Mr. Domenic Ingemie, 42 Salem St., stated the Council should have the courage and use their power to take the right action regarding the two petitions.

Speaking in opposition:

Mr. Chris Lackey, 20 Pinegrove Ave., stated that he has been a patient of dentist Dr. Fontaine for many years who has an office on Main Street and that he would not want to have his office zoned out of Main Street. He stated that FSC students should be encouraged to utilize services on Main Street.

Speaking regarding Loan Orders 5-2010 and 11-2010, Mr. Thomas Starr, 244 High Rock Road, stated that the City Council has not spent enough time on these requests. He stated that the council is being asked to rubber stamp large amounts of spending when the city has a funding shortage. He urged the City Council to work harder and do more research on these requests. Mr. Starr also stated that when the City Council poses a question to the City Solicitor they should receive an immediate response.

COMMUNICATION

Law Department of the City of Fitchburg

Communication read and placed on file in the City Clerk's Office.

APPOINTMENTS

The following appointments were received:

New Appointments:

Council on Aging

(Term to expire February 1, 2012)

Ms. Denise Andrews

119 Milk St.

Fitchburg, MA 01420

(Term to expire January 1, 2012)

(To replace Rosemary Reynolds, whose term expired January 1, 2010)

Elizabeth Brunell

28 Hollywood St.

Fitchburg, MA 01420

(Term to expire January 1, 2012)

(To replace George Pelletier, whose term expired January 1, 2010)

Paul A. Jornet

12 Main St.

Ashburnham, MA 01430

(Term to expire January 1, 2012)

(To replace Norman Fredette, whose term expired January 1, 2010)

Pauline Basque

438 Madison St.

Fitchburg, MA 01420

Appointments read and referred to the Appointments Committee.

REPORTS OF COMMITTEES

CITY PROPERTY COMMITTEE:

The City Property Committee recommended by a vote of 4 in favor and 0 opposed that the following petition be granted:

- 014-10. Mary Whitney, Park Commissioner, to return the land known as the First Street Playground to the Park department so the Park Department can take care of it as a playground (re: Petition 3-04) because it is no longer used for the intended purpose.

Report read and accepted. Petition granted by unanimous vote. 11 members present. Board consists of 11 members. Petition forwarded to the City Solicitor for preparation of an Order.

The City Property Committee recommended by a vote of 4 in favor and 0 opposed that the following petition be granted:

- 272-09. Councillor Norman L. Boisvert, to transfer a certain parcel of land on Daniels Street presently known as Pocket Park to the control of the Parks Dept. Furthermore to rename this park to honor State Representative Emile J. Goguen.

Report read and accepted. Petition granted by unanimous vote. 11 members present. Board consists of 11 members. Petition forwarded to the City Solicitor for preparation of an Order.

The City Property Committee recommended by vote of 4 in favor and 0 opposed that the following petition be granted:

- 176-08. Planning Coordinator, to declare 1011 Water St. (Former South Fitchburg School) surplus to the needs of the City and to develop an RFP to sell the property.

Report read and accepted. Petition granted by unanimous vote. 11 members present. Board consists of 11 members.

FINANCE COMMITTEE:

The Finance Committee recommended the following Loan Order be Adopted:

- 005-10. **ORDERED-**That \$9,300,000 is appropriated for the purpose of financing the following water pollution abatement projects: engineering and design services for the construction and reconstruction of sewers, sewerage systems and sewerage treatment and disposal facilities consisting of combined sewer separation improvement Project Nos. 5 and 6 and for the replacement and repair of sewer lines and appurtenances; engineering and design services and construction of a Chemically Enhanced Primary Treatment process at the East Fitchburg Wastewater Treatment Facility consisting of buildings, pumps, tanks, sludge thickening equipment and other appurtenances: engineering and design services for Phosphorus remediation improvements at the East Fitchburg Wastewater Treatment Facility; including without limitation with respect to all such projects all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$9,300,000 and issue bonds or notes therefore under G.L. c.44 and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof; and that the Mayor is authorized to enter into project regulatory agreements with the Department of Environmental Protection, to expend all funds available for the projects and to take any other action necessary to carry out the projects.

Report read and accepted. Order was passed to a first reading and ordered advertised by roll call vote of 8 in favor and 3 opposed (Reynolds, Solomito, Starr). 11 members present. Board consists of 11 members.

The Finance Committee recommended the following Orders be Adopted:

- 021-10. ORDERED THAT: There be and hereby is appropriated the sum of SIXTY THOUSAND DOLLARS (\$60,000), same to be credited to VETERANS BENEFITS GENERAL and charged against AVAILABLE FUNDS.
- 022-10. ORDERED THAT: There be and hereby is appropriated the sum of THIRTEEN THOUSAND DOLLARS (\$13,000), same to be credited to VETERANS PERSONAL SERVICES and charged against AVAILABLE FUNDS.
- 023-10. ORDERED THAT: The City of Fitchburg approve the expenditure of funds from the Neighborhood Stabilization Program (NSP) Demolition Grant from the Massachusetts Department of Housing and Community Development in the amount of \$200,000 for the purposes of said grant.

Report read and accepted. Orders adopted by unanimous vote. 11 members present. Board consists of 11 members.
Orders signed by the Mayor February 17, 2010.

PUBLIC SAFETY COMMITTEE:

The Public Safety Committee recommended the following petitions be Given Leave to Withdraw:

- 192-08. Councillor Norman Boisvert, to Declare Oak Hill Rd. from Fairmount St. to Franklin Rd., a "Truck Exclusion Zone" with the exception to be for local deliveries only.
- 256-09. Councillor Kevin T. Starr & Carl Williams, to switch the stop signs at the intersection of Essex St. & Marshall St. from Essex St. to Marshall St.

Report read and accepted. Petitions Given Leave to Withdraw by unanimous vote. 11 members present. Board consists of 11 members.

The Public Safety Committee recommended the following petition be Granted:

- 018-10. Councillor Joel Kaddy, to create a committee, under the Public Safety Committee, to study the traffic, parking, and other aspects of public safety in the College Neighborhood.

Report read and accepted. Petition granted by unanimous vote. 11 members present. Board consists of 11 members.

PUBLIC WORKS COMMITTEE:

The Public Works Committee recommended the following petition be granted as amended:

- 192-08. Councillor Norman Boisvert, to Declare Oak Hill Rd. from Fairmount St. to Franklin Rd., a "Truck Exclusion Zone" with the exception to be for local deliveries only.
- Amended to add: And/Or emergency vehicles.**

Report read and not accepted. Petition Given Leave to Withdraw by unanimous vote. 11 members present. Board consists of 11 members.

HEARING

013-10. Comcast of Massachusetts, III, Inc., to install a new conduit system on the John Fitch Highway at four locations as outlined in the enclosed petition.

Hearing held. Mr. Miguel Quintal and Mr. David Flewelling, both from Comcast, were present. No one spoke in favor of or in opposition to the petition.

Hearing closed.

Petition granted by unanimous vote. 11 members present. Board consists of 11 members.

ORDERS

011-10. LOAN ORDER: That \$1,100,000 is appropriated for costs for the repair, retrofit, and upgrade of four water treatment clarifiers located at the Fitchburg/Westminster Regional Water Filtration Facility as outlined in the enclosed Loan Order.

Order failed to pass to a final reading by roll call vote of 7 in favor and 4 opposed (Boisvert, Reynolds, Solomito, Starr). 11 members present. Board consists of 11 members.

The following Orders were referred to the Finance Committee:

031-10. ORDER: Transfer the sum of \$80,000 from RESERVE FOR SNOW AND ICE REMOVAL to DPW-SNOW AND ICE EXPENSES.

032-10. ORDER: Appopr. the sum of \$120,000, same to be charged against AVAILABLE FUNDS and credited to accounts as follows: \$107,000 to DPW-SNOW AND ICE EXPENSES and \$13,000 to DPW-SNOW AND ICE PERSONAL SERVICES OVERTIME.

033-10. ORDER: Appopr. \$15,000, same to be credited to MAJOR ICE STORM-FISCAL YEAR 2009 and charged against AVAILABLE FUNDS.

034-10. ORDER: That the City of Fitchburg accept the gift of paid concerts, park maintenance, printing and mailing, paid police details, swan permits, and misc. clean-up from the Friends of Coggshall Park, with an estimated fair market value of \$12,025.

035-10. ORDER: That the City of Fitchburg Approve the expenditure of funds from the FY2010 Shannon Community Safety Initiative Grant in the amount of \$92,500, from the Commonwealth of MA Executive Office of Public Safety and Security, for the purposes of said grant.

The following Orders were referred to the City Property Committee:

036-10. ORDER: Continental Advisors, LLC, 105 Newton St., Weston, MA, proposes to convey title to the Property contingent upon the owner's receiving monetary compensation in the amount of \$180,000 as described in a contingent purchase and sales agreement between the City of Fitchburg and Continental Advisors LLC.

037-10. ORDER: To accept title from Peter & Deborah Kulkkula of a parcel of land consisting of 27 acres +/- on

Billings Rd. and to accept title from Charles & Jane Perna of a parcel of land consisting to 17.8 acres +/- in the town of Ashby contingent upon owners receiving compensation as outlined in enclosed Order. Purpose, care and management of property are further outlined in enclosed Order.

ORDINANCE

The following Ordinance was referred to the Legislative Affairs Committee:

038-10. AN ORDINANCE: To eliminate nuisances affecting buildings and real property in the City as outlined in enclosed Ordinance.

PETITIONS

The following Petition was referred to the City Property Committee and the Planning Board:

039-10. Mario Plante, Manager, 245 River St. Place, LLC, to accept on behalf of the City of Fitchburg a perpetual trail easement over designated portions of the property at 245 River St. This trail easement is part of a proposed looped trail system on the northerly and southerly side of the Nashua River to become part of the North Nashua River Greenway.

040-10. Various Residents, to amend the Zoning Ordinance of the City of Fitchburg by requiring that a special permit from the City Council be necessary for a Medical Office Use within the Central District and Neighborhood Business District.

Petition Given Leave to Withdraw by vote of 10 in favor and 1 opposed (Reynolds). 11 members present. Board consists of 11 members.

041-10. Various Residents, to amend the Zoning Ordinance of the City of Fitchburg by inserting the following provision: "All Clinics, hospitals, medical offices, professional offices, institutions, and other facilities, whether operated for profit or not for profit, and wherein abortions are performed, shall not be permitted in any zoning district in the City of Fitchburg without first obtaining a special permit from the City Council."

Petition Given Leave to Withdraw by vote of 10 in favor and 1 opposed (Reynolds). 11 members present. Board consists of 11 members.

042-10. RESOLUTION: A Resolution of the City Council of the City of Fitchburg, MA, in opposition to Planned Parenthood League of MA plan to locate an office on Main St. and/or any location deemed to be part of the City's revitalization plan.

WHEREAS, the City Council welcomes social service agencies providing health care to move into the Burbank Hospital campus rather than the business area of the City's revitalization plan.

WHEREAS, the City Council has an interest in protecting the locations of interest for job growth and improving the image of the city of Fitchburg, especially on Main Street.

NOW THEREFORE BE IT RESOLVED, that the Fitchburg City Council opposes any social services agency plans including the Planned Parenthood League of Massachusetts to locate services on Main Street.

Late filed Resolution was admitted to the agenda for discussion under suspension of the rules by vote of 8 in favor and 3 opposed (Kaddy, Solomito, Clark).

Motion to amend the Resolution as follows passed by vote of 8 in favor and 3 opposed (Kaddy, Conry, Solomito):

Eliminate the existing phrase beginning with, "Now therefore Be It Resolved" and replace with the following:

NOW THEREFORE BE IT RESOLVED, that the Fitchburg City Council opposes any additional social services agency plans including the Planned Parenthood League of Massachusetts to locate services on Main Street that will provide services other existing agencies already provide.

Motion to approve the amended Resolution failed by vote of 4 in favor and 7 opposed (Hay, Boisvert, Clark, Conry, Joseph, Kaddy, Solomito).

11 members present. Board consists of 11 members.

The meeting adjourned at 10:00 P.M.

Anna M. Farrell, Clerk